

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION**

NATHANIEL SMITH THURSTON, JR.,

Plaintiff,

v.

BUREAU OF PRISONS; UNITED  
STATES OF AMERICA; and H.  
LAPPIN, Director, Bureau  
of Prisons,

Defendants.

CIVIL ACTION NO.: CV210-138

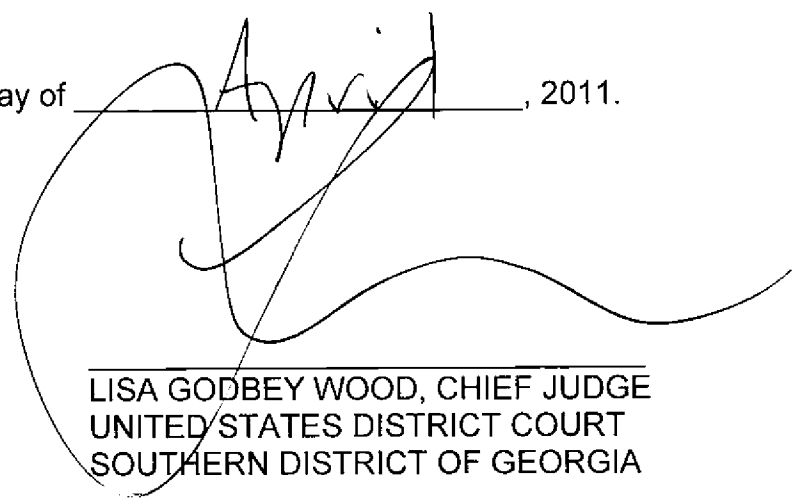
**ORDER**

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Plaintiff objects to the Magistrate Judge's conclusion that his claims are unrelated. Plaintiff's claims are unrelated because they do not share any common questions of law or fact and do not arise out of the same event or series of events, as the Magistrate Judge noted. Likewise, the Magistrate Judge noted Plaintiff's assertion that he only named the United States of America as a Defendant, and the Magistrate Judge informed Plaintiff that the allegations he made in his Complaint are of a constitutional nature. Thus, the United States of America is not a proper Defendant in a cause of action based on allegations of constitutional violations. Plaintiff cannot sustain a cause of action against the United States of America under the Federal Torts Claim Act, which permits suit against the United States for violations of tort law by its

employees, in this case alleging only violations of constitutional rights. If Plaintiff wishes to pursue claims alleging violations of constitutional rights, he must file suit against the individuals who allegedly violated those rights.

Plaintiff's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, without prejudice. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 20 day of April, 2011.



LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA